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January 8, 2016

**VIA ELECTRONIC FILING**

Senior District Judge Charles R. Breyer  
United States District Court for the Northern District of California  
San Francisco Courthouse  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 15-md-02672-CRB (JSC)

*Willingham, et al. v. Volkswagen Group of America, Inc.*,  
3:15-cv-06148-CRB (formerly 1:15-cv-07633-PKC (S.D.N.Y.))

Dear Judge Breyer,

I am a partner of Kaplan Fox & Kilsheimer LLP ("Kaplan Fox"), representing owners and lessees of Volkswagen's "Clean Diesel" vehicles throughout the United States who have been harmed by Volkswagen's deceptive sales and marketing practices. I appreciate the Court's time and consideration of my candidacy for a steering committee position on behalf of consumers impacted by Volkswagen's conduct.

I have represented plaintiffs in high-stakes, complex class action cases addressing corporate wrongdoing for nearly twenty years, the last ten as a partner at Kaplan Fox. I have served on lead counsel teams in complex class actions throughout federal and state courts representing consumers and investors in lawsuits arising from international corporate fraud of the size and scope committed by Volkswagen. My work in this field as an Asian, female minority leader was recognized by Law360.com in December 2014, in which I was profiled as a "Minority Powerbroker." In my interview, I explained how the hiring of minority candidates is the first step towards diversification of the legal industry that lacks women of color in leadership roles. While the requisite complex litigation experience and dedication to consumers' rights form the basis of my application, I also firmly believe that sharing diverse perspectives in the resolution of legal complex problems may ultimately contribute to a better result for the classes here that contain a similarly diverse cross section of people and considerations.

I have played an integral role in a number of my firm's most notable cases, including *In re Bank of America Corp. Sec. Deriv., and ERISA Litig.*, No. 1:09-md-020508-PKC (S.D.N.Y.) ("Bank of America"), Judge P. Kevin Castel presiding. In that matter, my firm was one of the



team of three co-lead counsel firms prosecuting claims arising from Bank of America's acquisition of Merrill Lynch and its toxic assets that contributed to the 2008 financial crisis. I drove all facets of the case, including the initial investigation, took crucial liability depositions, and ultimately we recovered \$2.425 billion in a settlement just weeks before trial. Our result in that case is one of the largest recoveries in the history of securities class actions and at the settlement approval hearing in April 2013, District Court Judge Castel praised "the quality of the representation."

I have also served as a member of court-appointed co-lead counsel teams in a variety of other complex class actions and MDL cases. In *In re Fannie Mae Sec. Litig.*, No. 08-cv-7831-PAC (S.D.N.Y.), Judge Paul A. Crotty presiding, we obtained a \$170 million settlement after years of hard-fought litigation in which I played a key role in the settlement process and cultivated strategy that defeated motions to dismiss and managed the collection and review of 75 million pages of documents. During *In re Ambac Fin. Group, Inc. Sec. Litig.*, No. 08-411-NRB (S.D.N.Y.), Judge Naomi Reice Buchwald presiding, I worked with co-lead counsel in prosecuting the case and engaging in settlement negotiations that recovered \$33 million lost by investors. As in all of my cases, I worked cooperatively and efficiently with co-counsel, including many of the firms representing plaintiffs in this matter who support my application.

I also have significant experience with the issues presented in MDL proceedings arising from the deceptive sales and marketing of automobiles. In *In re Hyundai and Kia Fuel Economy Litig.*, No. 13-2424-GW (FFMx) (C.D. Cal.), Judge George H. Wu presiding, I was asked by specially appointed liaison counsel to travel to Korea to take depositions of Hyundai executives that were instrumental in assessing the fairness of the ultimate settlement. In this matter, we have thoroughly investigated the factual and legal issues presented by Volkswagen's illegal "defeat devices" and have kept abreast of all pertinent litigation and regulatory developments. Rather than multiplying the litigation through the filing of numerous lawsuits, premature motions and requests for injunctions, to date we have taken a measured approach that fostered pre-MDL coordination without wasting the parties' or the courts' resources. Among other things, my firm focused on the efficient consolidation of all cases filed in the Southern District of New York, conferred with defense and other plaintiffs' counsel as appropriate, attended and participated in relevant hearings, and obtained a comprehensive evidence preservation order from Judge Castel. We were also appointed co-lead interim liaison counsel in the Southern District of New York pending the outcome of the MDL hearing.

In addition to my experience outlined above, my firm has been a leader in the plaintiffs' bar for 60 years and has a strong history of success in complex securities, antitrust, and consumer protection class actions. Our firm has a particularly strong track record of success representing consumers, including cases involving product defects and deceptive marketing. For example, in *In re Baycol Prods. Litig.*, MDL No. 1431-MJD (D. Minn.), we served on the plaintiffs' steering committee that recovered \$350 million for victims of a defective cholesterol control drug. We also obtained \$105 million for consumers as co-lead counsel in the *Providian Credit Card Cases*, MDL No. 1301-WY (E.D. Penn.).



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Our firm currently has over two-dozen attorneys and maintains offices in New York, San Francisco, Los Angeles, Chicago, and New Jersey. In this regard Kaplan Fox has the necessary resources, financial and human, to prosecute a case of this magnitude. With a well-staffed office in San Francisco for the last 15 years, Kaplan Fox is also very familiar with the Northern District of California Court and its procedures. We have litigated more than a dozen other successful cases in the Northern District and recently obtained class certification here on behalf of consumers alleging Yahoo!'s email scanning practices violate state and federal wiretap laws in *In re Yahoo Email Litigation*, No. 5:13-cv-4980-LHK. Other current matters we have pending in the Northern District include *Gallagher v. Bayer*, No. 14-cv-04061-WHO, a consumer protection case alleging Bayer misrepresents the health benefits of its vitamins, *In re LinkedIn User Privacy Litig.*, No. 5:12-cv-03088-EJD, which recovered a cash settlement for violations of LinkedIn's privacy policies, as well as shareholder actions *In re Violin Memory Sec. Litig.*, No. 13-CV-05486-YGR and *In re Rocket Fuel Sec. Litig.*, No. 4:14-CV-03998-PJH. Prior cases Kaplan Fox has successfully litigated in the Northern District include *In re 3Com Sec. Litig.*, No. C-97-21083-EAI (recovered \$259 million), *In re Sunpower Sec. Litig.*, No. CV 09-5473-RS (recovered \$19.7 million), as well as *In re Informix Sec. Litig.*, No. C-97-0129-CRB, which was litigated before Your Honor and resulted in the approval of a \$136.5 million settlement.

While I share the Court's view that the emphasis in this case should be on resolving the claims because Volkswagen has admitted many facts that may establish liability, that does not mean consumers should settle quickly for less than they are entitled to. As demonstrated in our prior results, my firm has the time, expertise, and resources necessary to prosecute this case through years of litigation if ultimately necessary. If selected by the Court, my work in this matter will be coordinated with my partners Laurence King (a resident in our San Francisco office) and Frederic Fox, one of our firm's senior partners. Many of our lawyers have also served as law clerks, state and federal prosecutors, and defense counsel, giving us a thorough understanding of (and appreciation for) the work that defense counsel, the Court, and its staff will perform in this litigation. In all of our cases Kaplan Fox has displayed all of the procedural and substantive lawyering skills necessary to achieve a successful result in this case—maneuvering through consolidation and coordination proceedings, overseeing and executing e-discovery and deposition strategies, fighting through contested class certification and summary judgment proceedings, and obtaining successful rulings on appeal. And, we have experience taking several class action cases to trial. If appointed as a member of the steering committee, I will devote a substantial amount of time in prosecuting this action.

Please do not hesitate to contact me if you have any questions or if I may be of further service.

Respectfully,

A handwritten signature in black ink, appearing to read 'Hae Sung Nam', with a long horizontal flourish extending to the right.

Hae Sung Nam

HSN:sp